

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|---------------------------------------|---|--------------------------------|
| ING BANK, fsb (d/b/a ING DIRECT), and |) | |
| ING DIRECT BANCORP, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Civil Action No. 07-cv-154-GMS |
| v. |) | |
| |) | |
| EVERBANK, |) | |
| EVERBANK FINANACIAL CORP., and |) | |
| STONE & WARD, INC. (d/b/a STONE WARD) |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

NOTICE OF VOLUNTARY DISMISSAL OF DEFENDANT STONE & WARD, INC.

Pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure, plaintiffs, through undersigned counsel, voluntarily dismiss defendant Stone & Ward, Inc., without prejudice. Plaintiffs expressly do not dismiss any claims as against defendants Everbank and Everbank Financial Corp., and herein respectfully request a scheduling conference for the remaining parties, namely plaintiffs and defendants Everbank and Everbank Financial Corp.

/s/ Francis DiGiovanni
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Dated: November 27, 2007

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of November, 2007, the attached NOTICE OF VOLUNTARY DISMISSAL OF DEFENDANT STONE & WARD, INC. was served upon the below-named counsel of record at the address via hand delivery and e-mail:

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/s/ Francis DiGiovanni
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